

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Comcast of Southern New England, Inc.)	Case No.: 04-11241-RCL
)	
Plaintiff,)	PLAINTIFF'S MOTION FOR
)	DEFAULT JUDGMENT
vs.)	
)	
Scott McAdam)	
)	
Defendant)	
)	

Plaintiff hereby moves this Court for a Judgment by Default in the above-entitled action against the Defendant. The Plaintiff also requests that this Court assess non-Liquidated Damages after considering the Plaintiff's filings made herewith. The Plaintiff contends that the court should be able to assess non-liquidated damages in this action based upon the facts as determined through the Defendant's default all in accordance with Fed. R. Civ. P. 55(b)(2). However, should this Court determine that testimony is necessary, or even helpful for the assessment of non-liquidated damages then the Plaintiff requests that such a hearing be scheduled.

In support of this Motion, Plaintiff submits:

1. That a Default was entered against the Defendant on September 29, 2004.
2. That the Defendant has still failed to reply or otherwise defend the claims set forth in Plaintiff's complaint;
3. That the Defendant is not an infant or incompetent;
4. That the Defendant is not in the military service; and,
5. That the Plaintiff is entitled to damages and other civil remedies as set forth below.

In further support of this Motion, please see:

1. Memorandum of Law in Support of Plaintiff's Motion for Default Judgment.
2. Affidavit of Attorney John M. McLaughlin.
3. Affidavit of Mark Mondalto
4. Proposed Order of Default.

WHEREFORE Plaintiff respectfully requests that this Court enter Default Judgment in favor of the Plaintiff and against the Defendant for the following:

Pursuant to all of the above, the Plaintiff is entitled to a Default Judgment as follows:

1. \$7,000.00 in baseline statutory damages pursuant to Title 47 U.S.C. § 553(c)(3)(A)(ii) for the violation of 47 U.S.C. § 553(a);
2. Costs \$198.90 pursuant to 47 U.S.C. 553(c)(2)(C);
3. The issuance of a Permanent Injunction pursuant to 47 U.S.C. § 553 (c)(2)(A) utilizing the following language or language of a similar nature:

The Court hereby enjoins the Defendant, the Defendant's respective agents, servants, employees, and any person or entity controlled directly or indirectly by the Defendant or acting on the Defendant's behalf from the further modification and/or use of electronic equipment designed for the unauthorized interception of signal in violation of provisions of Title 47;

4. Post-Judgment interest running on the judgment pursuant to 26 U.S.C. § 1961; and,
5. Attorney's fees of \$643.00 pursuant to Title 47 U.S.C. 553(c)(2)(C).

Respectfully Submitted for the Plaintiff,
Comcast of Southern New England, Inc.
By Its Attorney,

11/24/04

Date

/s/ John M. McLaughlin

John M. McLaughlin

Green Miles Lipton & Fitz-Gibbon

77 Pleasant Street

P.O. Box 210

Northampton, MA 01061

Telephone: (413) 586-0865

BBO No. 556328

CERTIFICATE OF SERVICE

I, John M. McLaughlin, attorney for the Plaintiff, hereby certify that on November 24, 2004, I served a copy of the foregoing Motion for Default Judgment, Memorandum of Law, Proposed Order and Affidavit of John M. McLaughlin were sent via first class mail, postage pre-paid to:

Mr. Scott McAdam
2 Grandview Road
Methuen, MA 01844

/s/ John M. McLaughlin
John M. McLaughlin